Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 22 SEPTEMBER 1954

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Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

QUESTIONS.

Motor Cycle Registrations.

Mr. MUNRO (Toowong), for **Mr. MORRIS** (Mt. Coot-tha), asked the Minister for Transport—

"What were the total registrations of motor cycles for the years 1952-1953 and 1953-1954, respectively?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"I refer the hon. member to the annual report of the Commissioner of Main Roads for the year 1952-1953 for the details sought by him so far as that year is concerned. Information relating to the financial year just concluded will appear in the Commissioner's report for 1953-1954, which will be tabled shortly."

Insurance of School Equipment.

Mr. NICKLIN (Landsborough—Leader of the Opposition), for **Mr. PIZZEY** (Isis), asked the Secretary for Public Instruction—

"1. To whom does equipment purchased by school committees under subsidy from the department belong?

"2. In the event of the destruction of the school and equipment by fire, does the department replace the equipment purchased by the committee?

"3. If not, would he please advise whether or not school committees can insure such equipment and in whose name such a policy should be taken out?"

Hon. G. H. DEVRIES (Gregory) replied—

"The answer to the hon. member's question is as follows. The hon. members for Townsville and Maryborough have also made similar personal inquiries on these matters:—

"1. The Departmental regulation bearing on the subject reads—'All property provided by local effort shall be the property of the Department and shall not be removed without the consent of the Minister.'

"2. Yes.

"3. See answer to 2."

Public Telephone, Inkerman Railway Station.

Mr. COBURN (Burdekin) asked the Minister for Transport—

"In view of the great inconvenience now suffered by settlers in the Inkerman area because the Inkerman Railway Station is not connected with the public telephone system, which necessitates personal inquiries at the station and often long journeys, will he kindly give favourable consideration to such telephone connection being installed?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"It is not considered that the nature of the business being dealt with at Inkerman justifies this installation."

Dust Nuisance, Guthalungra Road.

Mr. COBURN (Burdekin) asked the Minister for Transport—

"With reference to his answers on 26 August, 1953, and 31 March, 1954, to my questions regarding the dust nuisance at Guthalungra, will he kindly expedite the bitumen surfacing of the section of road in question as I have been advised that heavy traffic has made the nuisance intolerable to the residents concerned?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"Plans are in course of preparation, and a scheme will be released shortly."

REPAIRS AND IMPROVEMENTS, BOWEN COKE WORKS.

Mr. COBURN (Burdekin) asked the Secretary for Mines and Immigration—

"Will he kindly give consideration to the following repairs and improvements affecting the health and the safety of the workers at the Bowen State Coke Works:—(*a*) Repairs to duff bin to prevent coal leakage, to duff bin staging, to duff bin and slack bin stairs, to track hopper and surrounding decking, to feed holes on the top of ovens, to port holes of duff bin, and to gantry; (*b*) installation of new control wires to hydraulic jack; (*c*) renewal of dust scrappers and elevators and elimination of dust from the grinding room; (*d*) provision of life lines in duff and slack bins where employees are often required to shovel—no ropes now being provided; (*e*) erect new bathroom in fulfilment of promise made by him; (*f*) provision of urinals at both E.C.'s?"

Hon. E. J. RIORDAN (Flinders) replied—

"Consideration has already been given to most of the matters mentioned. On 7 January last, an expenditure of £9,000 was approved for the purchase and installation of new coke loading machinery, which is now being installed. On 13 May, after consideration of tenders, it was approved to expend up to £23,000 for complete replacement of coke handling equipment, including conveyor, conveyor structure, surge bin, unloading bins, vibrating grizzley hinged shute and certain buildings. This equipment is now being fabricated. In addition, repairs are proceeding on the coal handling plant and further major renewals thereof are contemplated. When this plant is installed, all appropriate measures in the interests of health and safety will be incorporated."

APPREHENDED PERSONS, BAIL, AND WATCH-HOUSE FACILITIES.

Mr. HILEY (Coorparoo) asked the Attorney-General—

"When a person is apprehended by the Police and a charge is to be laid against that person,—

1. (*a*) Is there any hour prescribed before which such a person may go before a magistrate to apply for bail; and (*b*) what is the general practice in such a matter?

2. After such an hour, or, if none is prescribed, after a magistrate is likely to be available, what are the facilities available to such a person to apply for bail?

3. Whether bail is or is not applied for, what facilities are regularly available to such a person to communicate with (*a*) his home; and (*b*) a legal adviser?

4. What is the quality of accommodation available to such persons, and, in particular, (*a*) is it separate or common; (*b*) are beds provided; (*c*) are meals provided; and (*d*) are toilet and shaving facilities available next morning?

5. Is it the practice to refuse bail where offences are petty?

6. If it is shown that some police officers use the threat of overnight detention and the refusal of bail as a lever to try to obtain a confession in petty offences, will he, as the administrative bulwark of the British convention that innocence is deemed until guilt is proved, indicate his attitude to such a practice?"

Hon. W. POWER (Baroona) replied—

"1. (*a*) No. (*b*) The general practice is to bring the person charged before a Justice as soon as practicable.

"2. The facilities available would be dependent upon the conditions obtaining at the place of arrest and the place where charged, but the arrested person is always brought before a Justice as soon as practicable.

"3 and 4. These questions should be addressed to the Ministerial Head of the Police Force.

"5. No. The law requires that bail will be granted.

"6. If the hon. member has any complaint against any member of the Police Force he should make his complaint to the Commissioner of Police. The hon. member is assured that this Government has and always will protect the liberties of the subject."

HOUSING COMMISSION HOUSES UNDER CONSTRUCTION, TOWNSVILLE.

Mr. AIKENS (Mundingburra) asked the Secretary for Public Works and Housing—

"1. How many Housing Commission houses are under construction at the present time in Townsville?

"2. In view of the long waiting list for such accommodation and the distress of many of the applicants, will he endeavour to substantially step up the number of such houses in Townsville?"

Hon. P. J. R. HILTON (Carnarvon) replied—

"1. Eighteen houses are under construction at the present time and twenty-eight houses for which contracts were let have not been started.

"2. In response to strong representations made by the hon. members for Townsville, Hinchinbrook and Haughton, I paid particular attention to the housing programme for Townsville during my visit to that city in July last. Action in the matter of securing additional building sites is already under way."

PROFITEERING PREVENTION ACT AMENDMENT BILL.

INITIATION.

Hon. W. POWER (Baroona—Attorney-General), I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Profiteering Prevention Act of 1948, in certain particulars."

Motion agreed to.

CITY OF BRISBANE ACTS AMENDMENT BILL.

THIRD READING.

Bill, on motion of Mr. Walsh, read a third time.

IRRIGATION ACTS AND OTHER ACTS AMENDMENT BILL.

SECOND READING—RESUMPTION OF DEBATE.

Debate resumed from 9 September (see p. 300) on Mr. Foley's motion—

"That the Bill be now read a second time."

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (11.13 a.m.): The Leader of the Opposition and the hon. member for Fassifern stressed the point that that part of the measure dealing with the Theodore lands had for its purpose the taking of more revenue from the Theodore settlers. That is not its purpose at all. All we seek to do is to separate the charges. Hitherto, all charges have been collected under the one heading. That system was all right when the settlement was under the control of the Land Administration Board. Now, the Land Administration Board and the Department of Irrigation and Water Supply are separate authorities and each is desirous of obtaining its share of revenue for the service it renders to the settlers. We are now providing that the Land Administration Board shall collect the rent for the land while the water charges and fees for local authority services conducted by the Irrigation and Water Supply Department shall be paid to that department.

It was also suggested that it is not desirable to re-assess land values, but I point out that when the charges are split up it is essential that we arrive at the unimproved value of the perpetual leasehold land in the area in order to strike a fair and reasonable rental. The fairest way of doing this is to ask the Land Court to determine the matter.

It was suggested that the Land Court would adopt some foolish sale or purchase in the district as a guide in arriving at land values, but I can assure hon. members that this court has gained enough experience over the years to know that such transactions must be rejected in arriving at an unimproved value. The court has no desire to impose unnecessary burdens on any settlers. All it seeks to do is ensure that the Crown gets a fair deal and that the settler is protected. The Government have no say in the matter. What the court shall do is laid down by an Act of Parliament, and there is no indication from the Government.

Mr. Nicklin: The Land Court's valuations are usually sounder than those of the Valuer-General.

Mr. FOLEY: That might be so in some cases. I know that it does consider the interests of both the Crown and the settlers whereas the Valuer-General is guided by sales in the district to people who wish to buy land. It is assumed that the purchaser would pay only what he considers to be a fair and reasonable sum for the land at the time. Value is determined from that point of view but a different method is adopted by the Land Court.

Reference was made to the reclassification of irrigable and non-irrigable lands. There is provision in the Bill for the Commissioner to reclassify land in an irrigation area. The need for reclassification, as hon. members will agree, comes about when the Commissioner in his wisdom decides to spend a large sum of money on expanding an irrigation area. At Theodore we are opening up approximately 23 farms in the Gibber Gunyah area on the opposite side of the river to the Theodore irrigation settlement. We have built a dam upstream to bring water to the new farms. The Commissioner has no power at present to classify that portion as irrigable land. At Theodore over the last few years we have built levee banks to prevent flooding. That land was non-irrigable prior to the building of the levee banks but it is now capable of being irrigated. The Commissioner wants to reclassify that land on a higher rental basis because it can now be irrigated.

The hon. member for Clayfield suggested that we should start an experimental farm or something of that nature at St. George before we place the settlers there so that they would have a knowledge of how the land responds to farming under irrigation. Such a scheme is not practicable. Possibly a number of years would be taken up in getting the information. Downstream from the weir at St. George there is a fine example of what can be done by way of vegetable growing, lucerne and citrus crops. That is an illustration of how the land there and in other parts responds to irrigation. We have ample information now at Gatton and it will be passed on by our officers. These tests are under the control of the Bureau of Investigation. The Bureau has worked over a number of years and it has acquired a tremendous amount of information about different grasses that grow best in association with legumes and which grasses will grow best when not crowded out by clover.

Mr. H. B. Taylor: Are you suggesting that the experiments at Gatton are applicable to the entirely different climate at St. George?

Mr. FOLEY: It is only a matter of applying the knowledge. There will be a period of trial and error on the part of the ordinary settler there. He will have the background of knowledge of what can be done on the heavy soils at Gatton and the lighter type of soil at Theodore. With that knowledge there should not be a great amount of error provided the settler carries out the advice of our officers. Might I mention for the information of the hon. member for Clayfield that when the Theodore settlement was first opened we placed many men there who had little knowledge of irrigation methods but they were advised by men who had the technical knowledge. In many cases, however, they would not be guided by our technical officers. For instance, many of them would not grade their land, with the result that after the land was flooded the water lay for long periods in those portions that would hold it, whereas other portions were not watered at all. This meant that parts of the land become soggy and sick and would grow no crops at all.

Mr. H. B. Taylor: Even the technical men in those days did not know as much as they do now.

Mr. FOLEY: They knew enough.

Some of the original settlers at Theodore realised that their first job was to grade their land so that they could get an even watering and so that the water would drain off slowly. Those men were successful from the start. Others, however, refused to be guided by our technical officers and so most of them walked off their blocks stony broke.

Mr. H. B. Taylor: I do not want that to happen at St. George.

Mr. FOLEY: We do not, either. I assure the hon. member for Clayfield that everything possible will be done to help the settlers and to guide them along the proper lines.

The hon. members for Fassifern, Lockyer and Coorparoo criticised the proposal to license sub-artesian bores. However, there is nothing new in the principle; it has been in the Water Act for years. Licensing applies in declared areas, of which we have two at present. One is the Great Artesian Basin, which runs up into the Gulf district on the western side of the Great Dividing Range, and the other is in the Pioneer district where there are underground supplies of water from which the residents of the city of Mackay draw some of their requirements. Naturally it was necessary to declare those two areas so that we could prevent any unnecessary drilling and pumping.

This is merely a machinery amendment to enable the Commissioner to take action against any person who uses an unlicensed sub-artesian well or bore in a declared area. There is no intention at present to charge a license fee for any bore or well that is sunk. All we are asking the people to do is to get a permit to sink a bore or a well, just as it is necessary for them to get a permit to pump surface water from any stream or river. In that way we will have some measure of control. The Bill remedies a defect that has been pointed out by the Solicitor-General. As the Act stands at present, anybody can sink a bore without permission. If we have knowledge of it we can take action, and if we are successful in a prosecution the court can impose a fine. However, that is as far as we can go. If a period of 12 months elapses, the person concerned can continue to use the bore or well and snap his fingers at the Government authorities. That is not right. If we think that it is undesirable for a bore or a well to be used in any area, we want the power to prevent its use. That is all we are doing in the Bill. We are correcting an anomaly that has been pointed out to us by the Solicitor-General. As I say, after a period of 12 months has elapsed we have no power of action against anybody who sinks a well or a bore without the department's permission.

Mr. Muller: Why should you have any power of action after he has sunk a well?

Mr. FOLEY: Take the case of the Pioneer district, where the supplies of underground water are used by the citizens of Mackay. Does the hon. member for Fassifern argue that we should have no power to prevent people from drawing unnecessarily upon those supplies, thus depriving the citizens of the water that they need? It is only in such cases that we intend to use this power.

The hon. members for Fassifern, Lockyer and Warwick commented upon the proposal to allow non-riparian owners to get licenses to divert water from watercourses. They feared that some ill would follow the application of this power. Any sensible man should realise that if we spend thousands of pounds on constructing a weir over a river in order to store large quantities of water we should have the power to see that the farmers who want to use it should have access to it and so increase production. The man on the river frontage has what is called riparian rights to the middle of the stream, and the man whose land is further back has to get permission from him if he wants to draw on the water supply. There have been cases where the owner with the riparian rights has refused to allow anybody else to bring water through his property. If they cannot arrive at an agreement the Commissioner should have power to act as referee and lay down the conditions and the amount of compensation, if necessary, so that the non-riparian owner may bring his pipes underground, without hindrance to traffic, and tap the water supply.

Mr. Kerr: Subject to appeal.

Mr. FOLEY: I think that any appeal would be considered by the Commissioner, and that all objections would be considered. The power is one that the Commissioner should have to enable him properly to

administer his department and so see that waters that are stored at a high cost are used to the greatest advantage.

Mr. H. B. Taylor: Are you indicating that the water will travel by pipe and not by channel?

Mr. FOLEY: That would be where the non-riparian owner desired to tap the water supply with his own pumping equipment.

Mr. H. B. Taylor: It might come to a bigger scheme where more than one non-riparian owner wanted water. You might have to bring the water by channel.

Mr. FOLEY: Yes. The Commissioner has power of resumption in those cases, but the owner has not.

The Leader of the Opposition said that we declared that certain theoretical results were possible with the Clare irrigation settlement. It is a new settlement that principally grows tobacco. It is not a question of theory; it is a question of actual fact. In 1953-1954 60 farms produced £216,000 worth of tobacco and other products. That is very good. The maximum works out at about £9,000 a farm. While the present demand for tobacco exists and prices remain, and the new farmers get experience in planting and caring for the plants we can look forward to even a greater measure of success.

Mr. H. B. Taylor: The new farmers would benefit from the experience gained by the older farmers as a result of trial and error.

Mr. FOLEY: Yes. Anyone who is willing to learn can get advice from the successful farmer. Of course, there is the stubborn type who will not take advice and goes his own way. He very often fails.

The Leader of the Opposition also said that the estimated cost of certain irrigation projects was less than the actual cost. Costs have been reasonably comparable with the estimates. The weir that will eventually be responsible for settling just over 200 farmers on the Burdekin River is situated at a place called The Gorge. The water is stored and pumped into channels to serve Clare, Millaroo and one or two other small settlements. The weir, a very fine structure, was built at a cost of £90,000 and it was below the engineer's estimate. A very good job was made of it. They were very good men and they had good equipment.

The Collins Weir, farther north, was constructed at a cost £30,000 below the estimate. All the channelling required at Clare and Millaroo to bring the water to the farms has been done well within the additional cost of the increases in the basic wage that took place since the estimates were prepared. These are examples of the efficiency of our irrigation engineers. The costs at Inkerman were also raised. This was an irrigation scheme embarked on many years ago. Much criticism was levelled at it in this House. It consisted of the sinking of wells in difficult country and the pumping of water by the farmers. The farmers in the area made use of electricity and water was pumped on to their sugar-cane land. Although it was said that the cost was excessive, we find that from an expenditure of £600,000 the present annual value of production is £1,500,000.

Mr. Nicklin: After the people who were going broke had to have their capital written off.

Mr. FOLEY: We hear this same old story about every irrigation settlement. Most of the settlers go through a period of trial and error. It would be so at Mildura, Leeton, and Griffith. It was the same at the Theodore settlement. My point is that by the expenditure of £600,000 we have today production worth £1,500,000 annually. It is a very fine investment.

Mr. Aikens: And the main point is that all these schemes add to the natural wealth of the country.

Mr. FOLEY: That is one of the most important factors. It is an utter impossibility for a Government in any part of the world today to construct huge dams or weirs to provide water for farmers and pass the whole of the cost on to the farmer. Every Government in any part of the world, including Australia, carries the whole of the capital cost and passes on only part of the maintenance and working charges.

Reference was made to the sub-standard accommodation at Clare. I do not apologise for what was done at Clare in an endeavour to settle the first war service men. We had to do the job quickly to get these men on to the land so that they could get a crop for that season. Owing to the shortage of material, second-hand scrap or any other material was acquired by the Main Roads Commission to build the barns, machinery-sheds, and so on. There were complaints about the materials, but the fact remains that the settlers got their crops, in some cases amounting to approximately £4,000 gross. That was the value of their first crop on this settlement and in my opinion it offsets any little extra cost that was involved in speeding up of the task.

Brand-new cottages were not built for a start. What they did was to build a big machinery-shed. Temporary quarters were provided at one end of the shed. It was then left to the settler himself, if he so desired later on, to build a better structure. All he had to do was to apply under the War Service Land Settlement Agreement Act to the manager of the Agricultural Bank and money was made available. No apologies are made. The work was carried out in good faith. The settlers are today making a do of it.

Another complaint was that the land could not be used two years in succession.

(Time expired.)

Motion (Mr. Foley) agreed to.

COMMITTEE.

(The Chairman of Committees, Mr. Clark, Fitzroy, in the chair.)

Clauses 1 to 7, both inclusive, as read, agreed to.

Clause 8—Holdings situated in that part of the Dawson Valley Irrigation Area outside the Shire of Theodore—

Mr. MULLER (Fassifern) (11.44 a.m.): This clause deals mainly with the method of determining the value of property. I gathered from the Minister's remarks that the valuations will be based on reasonable and sensible sales, but that is rather vague. We should have something more definite than that.

Mr. Aikens: An important decision was given the other day when it was ruled that a cane assignment must not be taken into consideration in determining land values.

Mr. MULLER: That might be relevant to cane lands, but the Minister said that the Land Court will not take into consideration foolish or silly sales in arriving at a value. To do so would be dangerous but some silly sales have been made recently; they have knocked all ideas of land values in a district sideways. At this stage in our history there is a general weakening of values. We all know the old saying that when things go up during an inflationary period they have to come down. In my opinion, values have hit the top but we have land valuers revaluing land at a time when prices are at their peak.

A few days ago I inquired why the valuations in the Boonah Shire were so high. I found that similar land in the South Burnett, North Burnett and other comparable districts was valued at only one-fifth of the amount placed on the Boonah Shire.

Mr. Power: Were the valuations made in both cases by the Valuer-General?

Mr. MULLER: Yes. I find it hard to understand the position. We should aim at uniformity. If the Valuer-General has some basis for arriving at uniformity, we are entitled to know what it is. I approached the Valuer-General about it. He is a fair and reasonable man whom we cannot help but like. He and his officers have based their valuations on sales in the district.

When I referred to this matter a fortnight ago, the Attorney-General said that there were factors other than sales in a district to be taken into consideration, and I agree. The Minister told us that he does not propose to be guided by individual sales when the Crown resumes land. It appears from the Minister's remarks that he wants it both ways. He wants the Valuer-General to hit up values to the sky in order that the Government might be in a position to extract more money from freeholders and thus boost consolidated revenue. Those are strong words, and if they are not true, what is wrong with them? To some people this will mean ruination.

Mr. Aikens: When it is leasehold land they get an increased rent and when it is freehold they get increased land tax.

Mr. MULLER: The Minister does not want that to apply when the Crown is resuming land. I think the time has arrived when a better method of land valuation should be adopted. There should be some system to determine what is a reasonable price for the land.

Mr. Hilton: What do you suggest?

Mr. MULLER: There could be a commonsense method of approach. I cannot but think that these valuers have been asked to send values up to sky limit. The Minister said that he was going to use some other method and that he was not going to take the Valuer-General's basis of sales in the district, that he is going to have his own value. If land is to be taken it should be resumed at a fair value. If it is going to be valued for rating purposes it should be at a fair value. The whole thing to my way of thinking is one-way traffic. If it is good for the Government to get revenue it should be good for the Government to protect the landholder in cases of resumption.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (11.49 a.m.): Naturally we have, first of all, to determine what is the capital value of the land and on that basis assess the rent. The basis is laid down under the Perpetual Lease Land Act which says—

> "The Court, in determining the rent of a perpetual lease selection or a perpetual lease prickly-pear selection, shall have regard to—
>
> (*a*) The amount which experienced persons would be willing to pay for land of similar quality under the same tenure in the same neighbourhood; and
>
> (*b*) Any other matters which in the opinion of the Court affect the rental value of the land:
>
> Provided that in determining the rent regard shall not be had to any increase in the value of the holding attributable to improvements."

There is another proviso which reads—

> "Provided further in determining the rent of a settlement farm lease regard shall also be had to the quality and fitness of any part of the land comprised other than for agricultural and horticultural purposes."

The Court has to determine the use of the land. The Valuer-General and his officers and the Land Court have the evidence submitted to them. Officers of the Department of Public Lands will submit evidence to show that certain blocks changed hands at a certain time at certain prices. With that information there is something to work on. Without it, a new basis would have to be laid down taking into consideration what a prudent man would pay for land of a similar kind in the same neighbourhood. That is

a sensible approach to the matter. The hon. member for Fassifern need not fear that undue harshness will be put on any settler. It is the duty of the Land Court to give a fair deal to the Crown on the one hand and the settler on the other. The members of the Court are men of experience and I think he can leave the determination of a fair value to them.

Mr. MULLER (Fassifern) (11.54 a.m.): I appreciate the trouble that the Minister has gone to in replying to the question that was raised, but he referred to the price that an experienced person would pay. That is a very wide term. Who is an experienced person? If anybody who felt aggrieved had the right to appeal in the proper way I should not complain. The Minister said that a landholder who feels aggrieved will have the right of appeal to the Land Court. I believe that the members of that court are sufficiently experienced in land matters to decide an appeal, but landholders are not given the right of appeal to the Land Court in ordinary cases. Owners of freehold land can appeal only to the Valuer-General, or to a stipendiary magistrate, or to the Supreme Court. There is a vast difference between appealing to the Land Court and appealing to the Valuer-General, or a stipendiary magistrate, or the Supreme Court. I feel sure that landholders will come out of this very badly. I quite agree that the Valuer-General is a reasonable man but in many cases his values have been extortionate, they have been 300 per cent. too high, and I do not think he will reduce them by 100 or 200 per cent. Although a stipendiary magistrate is quite capable of deciding questions of fact, he cannot always be expected to have a knowledge of the land. All he can do is arrive at a decision on the evidence before him. On the other hand, the members of the Land Court are experienced men whose duty it is to examine different classes of land and determine their values. Those of us who have had to submit our cases through the channels I have mentioned have been given a very raw deal; we are not entitled to appeal to people who understand our case.

The Minister says that values will be fixed on the prices that experienced persons would pay, and that any landholder who feels aggrieved can appeal to the Land Court. However, I am opposed to the practice of sending valuers out into the country and having them impose very high values on properties that people have worked all their lives to improve. The result is that those people cannot carry the taxes that are imposed as a consequence. I think the Government will find that our best settlers will get out and invest their money in something else.

I am very concerned about this legislation. This is my twentieth year in this Parliament, and I do not remember any previous legislation that has been so unfair to the people who made this country or that has cast a greater burden on them.

Mr. Hilton: You introduced a deputation to me seeking to have certain shires revalued by the Valuer-General as early as possible.

Mr. MULLER: I admit that. That was about four or five years ago. The shire concerned asked for a revaluation because it wanted to know where it stood. However, it did not receive nearly as raw a deal as I am complaining about. I am glad that the Secretary for Public Works and Housing raised that point. When the shire to which he is referring was valued, good agricultural land was vauled at £5 an acre. However, since then good agricultural land of a comparable value in the adjoining shire has been valued at from £25 to £30 an acre.

Mr. Power: And the price of wheat has increased from 6s. to 14s. a bushel.

Mr. MULLER: The price of wheat at that time was just as high as it is now.

An Opposition Member: It was higher.

Mr. MULLER: Someone says it was higher.

The values to which I am referring were struck on a falling market, whereas the others were struck when prices were very much higher. I know what I am talking about, because I own land in both shires.

Mr. Aikens: You have land all over the State.

Mr. MULLER: I wish I had. If I had, I should put the hon. member for Mundingburra on a farm and sweat him.

The question of land values should be clear cut. The Government legislate in one way when it suits themselves, but when it does not they legislate in the opposite direction. The thing is a double-headed penny; in every case it operates against the land-owner.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.1 p.m.): The hon. member who just resumed his seat is very gifted in reading into a clause something that is not there. He would evidently still complain if the Land Administration Board laid down the capital value of the land from which the rent is assessed. I have adopted the course of referring the lands in question to the Land Court for a determination of the capital value. The rent is 1½ per cent. of the value of the land, which is as low as any Government can go. If any farmer thinks that the Land Court has assessed the unimproved value too highly he has the right to appeal to the Land Appeal Court consisting of two representatives of the Land Court and a judge, who will decide whether the Land Court in the first instance determined the value on a fair basis. All the necessary protection is there. There is no other body better constituted to do the job than the Land Court. The people of Theodore can rest assured that the court will give the same general satisfaction as it has given in the thousands of cases that it has already dealt with. I have heard graziers complain about the rent because they had to write out a cheque for £100, £200, £300 or £500, but converted into terms of wool or cattle the complaint appeared ridiculous. Throughout the whole of our sheep lands the

average rent that the Department of Public Land receives per sheep represents 2¾ ounces of wool. You could not go much lower than that. It may be of interest to the hon. member for Aubigny who breeds stud stock and beef cattle to know that we do not take by way of rent one pound of steak from every beast. The average rental over the whole of our sheep lands works out at 2¾ ounces of wool or 5½d. In regard to beef, the charge assessed by the Land Court works out at an average of 3s. 6d. a beast a year. If you go into a butcher shop you do not get much for 3s. 6d. The Land Court has given a fair deal to the settlers throughout Queensland and it will do the same at Theodore when laying down the capital value of the properties.

Clause 8, as read, agreed to.

Clauses 9 to 13, both inclusive, as read, agreed to.

Clause 14—New s. 9A; Drainage Area—

Mr. H. B. TAYLOR (Clayfield) (12.5 p.m.): This clause deals mainly with drains. It constitutes a drainage area, it permits of the alteration of a drainage area, the changing of the name of the drainage area and the abolition of a drainage area. Clause 26 might be read in conjunction with it. My experience of drainage areas is that they may vary in size. At Mildura I saw the drainage area. Although there was a very large swamp about 25 per cent. of the water pumped on to the land to irrigate the crops was lost in drainage. I refer to this point mainly in connection with the land in the Burdekin area.

Mr. Aikens: Would 25 per cent. be a high percentage?

Mr. H. B. TAYLOR: That is the average percentage of water lost by drainage on irrigation areas. After seeing the huge drain in the Burdekin area that cost £72,000 I realised that a tremendous volume of water would be run from the irrigated areas into the barratas and that the Commissioner would require a great deal of land for a drainage area. It is possible that that land may be used for grazing purposes now. Although Clause 26 gives the Commissioner power to construct drainage work I do not see any relationship between the clauses regarding the re-leasing of any drainage area to a producer. It may be that an area to be declared a drainage area may not be entirely swampy country. Part of it may be suitable for grazing and I am anxious to know whether the Commissioner can lease or rent part of it. Some land may be suitable for pastures or even for growing crops. Most of the area beyond the irrigable land in the Burdekin area no doubt will be pasture land. As people who come from the North know in the wet season a considerable volume of water will be carried away by the large drain that runs along the edge of the present irrigable land. A large area of land beyond the river will be in swampy condition when the tropical rains fall at the commencement of the year.

I should like to know if there is any provision to enable the Commissioner to use part of each area required as a drainage area for pasture or for growing other crops.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.8 p.m.): I think the hon. member can take it for granted that if the Commissioner has a certain area of land through which wastewater has to be drained and it will grow para grass or other grass in abundance to enable large numbers of stock to be carried, he will, in his wisdom, make arrangements to have the land used. I think that can be taken for granted.

However, the main purpose of the clause is not for that. If they want to extend an irrigation area they may, by order of the Governor in Council constitute a drainage area. If the drainage improves the land the Commissioner may make a levy. This will enable some of the cost to go back in the form of revenue. That is why it is laid down that the Governor in Council may from time to time by Order in Council—

> "Constitute an area defined in the Order in Council to be a drainage area, and assign a name to that area.
>
> "Alter a drainage area by amending the boundaries thereof so as to exclude therefrom any part thereof, or so as to include therein any additional area;
>
> "Change the name of a drainage area; or
>
> "Abolish a drainage area."

These powers are required so the area may be developed and the necessary drainage works carried on. It can be done by an Order in Council. Later, if the Commissioner thinks that the work has improved the land he can make a levy upon those who use it.

Clause 14, as read, agreed to.

Clauses 15 and 16, as read, agreed to.

Clause 17—New section 15A; Acquisition of land.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (12.13 p.m.): This clause is particularly important as it deals with the resumption of land. When introducing the Bill, the Minister said it streamlined the facilities for the resumption of land under the Public Works Land Resumption Act. It certainly does that.

Mr. Foley: It does away with a lot of unnecessary procedure.

Mr. NICKLIN: It does as far as the Minister is concerned, but we have to see to it that the landholder also enjoys protection in these resumptions. After all, the landholder has some rights and we have to protect them by ensuring that legislation dealing with resumption gives him fair value for the land resumed plus adequate compensation for any disturbance or loss that he might suffer.

It has to be remembered that possibly the land that is to be resumed has been in a particular family for years, that a man might

have put a lifetime of work into developing it, but it does not necessarily follow that he shall at all times have it to the detriment of the general good. He must have some protection for the work and development he has put into it. It is my fear that the streamlining introduced into this Bill could place the landholder whose land is to be resumed at a disadvantage. We must guard against that if possible. We must protect his rights as well as those of the State while at the same time allowing for the possibility of development by the application of water to the land under some irrigation scheme that might have been brought into operation as the result of the expenditure of a great deal of public money.

Subclause 3 dispenses with the need for a survey or survey plans. Instead, it will be deemed to be sufficient if the Minister just notifies the landholder of his intention to resume the land and gives a description sufficient to identify it. This might not be a very important change in most cases where land is easily identified, but if there should be any doubt about the identity of the portion of the land to be resumed, I trust the Minister will see to it that action is taken to identify it further by means of a rough survey and, if necessary, even a complete survey. I mention this as one example of where the streamlining of the Bill might be detrimental to the landholder concerned.

Further, we find that this clause dispenses with the requirement to publish notice of intention to resume in the "Government Gazette" and newspapers circulating in the neighbourhood. Personally, I have not a great deal of faith in notification in the "Government Gazette" because very few people read it, although almost everybody reads the local newspaper. Nevertheless, provided personal notice is served on the landholder concerned, the other two notifications that are eliminated might not be of such great importance, but the amendment does break down what has been a long-standing practice and custom in connection with land resumptions. At least, the three methods did ensure that the landholder had reasonable notice of the Government's intention to resume.

A very important alteration is the deletion of the right of the landholder, within 30 days, to give notice of objection to the resumption and so get a hearing.

That is taking away from the landholder a right that should be his. After all, if his land is resumed he should have his rights protected by being able to lodge an objection and have it heard and decided. It would be wiser if the subclause was omitted altogether and we did away with this streamlining suggestion of the Minister's and relied on the old method under the Public Works Land Resumption Act which has stood the test over the years. I have an amendment to improve the subclause. I think it is a disadvantage to the landholder at the moment. There is the risk that he might be placed at a disadvantage. Before I move my amendment I want to examine the clause further. The Minister may, if he so desires, elect to discontinue in whole or in part within three months after the first notice of resumption instead of within three months after determination of the amount of compensation. The Public Works Land Resumption Act provides that compensation will be determined by the Court and where the Minister elects to discontinue, either wholly or partly, any resumption he may do so within three months after the compensation is determined. The landholder may within three years—under this Bill that period has been altered to six months—claim actual damage if any done to the land by the resuming authority during its occupation from the date of the original proclamation to the date of discontinuance. The landholder may also claim the cost of the compensation proceedings as awarded by the Court in respect of the whole or part not finally resumed. The Public Works Land Resumption Act provides for actual damage done to the land, but who is going to determine what the damage is? A notice to resume is issued on the land and some period elapses before the Crown makes up its mind to go on with the resumption. The Crown has power to withdraw after compensation has been determined if it is not suitable to it, but in the meantime the land has been out of production. It could become covered by noxious weeds and the owner would suffer the loss of the use of the land as well as a disturbance of his farming programme. Does the growing of noxious weeds constitute damage to the land? I should say that they would constitute a damage.

Mr. Aikens: And he might lose a crop or two.

Mr. NICKLIN: I have already pointed that out. His whole farming economy would be disturbed as the result of the resumption consequently he is entitled to more than the actual damage. When we have the objectionable feature that the Crown might get out of the resumption at any time within three months after compensation has been determined, this provision is made all the more undesirable. The owner would be disadvantaged and would suffer loss because the more valuable portion of his land is out of production on account of the resumption notice. Those features should be looked at and I suggest that the period should not be reduced to the short one of six months.

Further, subclause (6) of this clause says—

> "The omission by the Minister to serve upon any person entitled thereto a notice as prescribed by sub-section three of this section shall not prejudice any Proclamation . . . . "

That provision should be omitted from the Bill. After all, we must protect the landholder by the service of a notice. I repeat that the landholder should be given personal notice in accordance with subclause (3). The Minister has circulated an amendment

to give some protection to the person whose land is to be resumed. It seeks the insertion of the following proviso:—

"Provided that a person entitled thereto who is not served by the Minister with a notice as prescribed by subsection three of this section may claim compensation at any time within three months after the making of the Proclamation taking the land in question comes to his knowledge."

I believe that covers my objection to subclause (6) because it gives the landholder the protection that I seek.

I move the following amendment:—

"On page 8, lines 18 to 41, omit subclause (3)—

'Neither section six nor paragraph (i.) of section seven of "The Public Works Land Resumption Acts, 1906 to 1952," shall apply or extend to or with respect to land proposed to be taken by the Minister under the authority of this section but, in lieu of the said section six, the following provisions shall apply, namely:—

'When the Minister proposes to acquire by resumption under the authority of this section any land he shall, not less than thirty clear days before the Proclamation in respect of that land prescribed by paragraph (ii.) of section seven of "The Public Works Land Resumption Acts, 1906 to 1952," is made, serve upon the owner, lessee or occupier and any and every other person who to his knowledge is entitled in pursuance of section fifteen of that Act to make a claim for compensation, a notice—

(*a*) Stating that, pursuant to the power had by him under this section to acquire by resumption land, he proposes to take that land; and

(*b*) Containing a description of that land sufficiently identifying it.

'The Minister need not state in such a notice the purpose for which he proposes to take the land.' "

We should give the landholder the fullest possible protection by designating the land to be resumed, and by notifying him of the resumption by the long-standing method of advertisement and personal notice. He should be protected also by being given adequate time in which to lodge objection against a resumption notice.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.27 p.m.): The object of the clause is to circumvent the cumbersome machinery set out in section 7 of the Public Works Land Resumption Act and to provide workable machinery for resumptions on an irrigation undertaking. The Leader of the Opposition can be assured that no-one will be injured as the result of this provision. Section 6 of the Public Works Land Resumption Act, reads as follows—

"When land is required to be taken, the constructing authority shall—

(i.) Cause a survey to be made and a plan to be prepared, signed by a duly licensed surveyor as evidence of the accuracy thereof, showing the land required, together with a schedule of the names of the respective owners and occupiers of such land, so far as they can be ascertained;

(ii.) Cause a copy of such plan to be deposited in some place in the locality in which such land is situated;

(iii.) Cause a notice to be published in the 'Gazette' and in a newspaper . . . . ;

(iv.) Cause a copy of such notice and description to be served upon the respective owners and occupiers of such land, so far as they can be ascertained."

We are trying to avoid particularly the requirement that a survey of the land shall be made. The Parliamentary Draftsman advises me that sections 6 and 7 of the Public Works Land Resumption Act were enacted in 1906, and it is possible that the then Parliamentary Draftsman lifted them bodily from the English Act. In England, of course, there is no such thing as the Torrens title as we have in Queensland, and the precaution of a survey is probably necessary there because much of the occupied land may not have been surveyed. Naturally, before a resumption can be made it is necessary to have an accurate survey. In Queensland, however, we have a perfect survey system in the Titles Office and the Surveyor-General's Office. A new survey is not required in Queensland. That is why other departments have got away from the clause. The State Development and Public Works Organisation Act does not contain section 6 that we wish to delete. The War Service Land Settlement Acquisition Act does not contain it. The Leader of the Opposition may not be aware of this. The only reason why we are deleting clause 6 is to eliminate the need for surveys and the preliminaries set out in section 6 of the Public Works Land Resumption Acts.

Mr. Hiley: Would it not be wiser to clean up that Act?

Mr. FOLEY: That does not come under my control but the suggestion is worthy of consideration. The Parliamentary Draftsman assured me that, as far as he could find out, this clause was lifted wholly from the English Act, and in that country their titles are not as perfect as they are here. In view of what I have stated I cannot accept the amendment.

Mr. EVANS (Mirani) (12.32 p.m.): I draw the Minister's attention to another point in connection with resumptions. I refer to the damage done to properties adjoining the Marian weir. Acres of land have been washed away and the Commissioner for Irrigation is notifying the people concerned of his intention to resume more of their land, and possibly their homes. How is he going to do that without having a survey of the land? He must find where the boundaries are. In order to resume the land up to where the house stands he must survey it. I agree with the statements made by the Minister in an ordinary case, but in

a case like this I do not see how anybody can arrive at the area of the land they lost and the land that is to be resumed without first having a complete survey of the whole property.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.33 p.m.): In that case it is a matter of resuming only a part of the property and we would have a survey of the whole of it. It would be a question of excising a portion of it.

Mr. Nicklin: This clause deals with the whole or part?

Mr. FOLEY: In such cases we adopt the practice, first of all of endeavouring to co-operate with the settler so as to arrive at an agreement, but if we fail we serve the necessary resumption notice.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (12.34 p.m.): The Minister's assurance that if there is any difficulty a survey, even though only a rough one, will be made before a notice is served would satisfy us. This clause does not deal only with the resumption of all the land. If it dealt only with the resumption of the whole of the surveyed land there would be no difficulty. In the case mentioned by the hon. member for Mirani where the boundaries have been washed away some method other than a hit-and-miss one will have to be adopted. If the Minister gives us the assurance that the rights of the land-holders will be protected where there is any doubt about the proper identification of the land to be resumed, we shall be happy. The object of the amendment was to ensure that the rights of the people whose land is to be resumed are fully preserved. I think the Minister will agree that we should not jeopardise the interests of the land-holders who are to lose a portion of their land by resumption.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.35 p.m.): I can give the assurance to the Committee, that the Surveyor-General, when excising a portion of an already surveyed farm, will insist that a survey of the portion to be excised shall be shown in the notification.

Mr. Hiley: It would have to be, to get a new deed.

Mr. FOLEY: Yes. That is the method that is followed. Naturally, the Surveyor-General has to know whether the land is surveyed. If he is excising a portion of the land for the construction of a weir, he must have a surveyor in his office so there can be no arguments over the resumption at a later date. That is provided for in the Public Works Land Resumption Acts.

Amendment (Mr. Nicklin) negatived.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (12.37 p.m.): In view of the Minister's assurance I will not now move the amendment that has been circulated under my name.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.38 p.m.): In view of the fact that the Leader of the Opposition is not moving his amendment, I desire to move one on this clause. I move the following amendment—

"On page 9, after line 24, insert the following proviso:—

'Provided that a person entitled thereto who is not served by the Minister with a notice as prescribed by subsection three of this section may claim compensation at any time within three months after the making of the Proclamation taking the land in question comes to his knowledge.''

The amendment is self-explanatory. The intention is to ensure that a person not notified will have some consideration in the matter of compensation.

Amendment (Mr. Foley) agreed to.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (12.39 p.m.): I was wondering whether the period of six months is not too short. This is the provision that enables a claim to be filed for damages and costs apart from compensation. The time for lodgment is reduced from three years to six months. Under the Act a person concerned could within three years file a claim for damages. I agree that three years is too long, but I now wonder whether six months is not too short and whether it would not be better to make it 12 months. I should like to know from the Minister whether the land-owner's rights are protected. After all, six months is a very short period.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.40 p.m.): It is generally conceded that a period of three years is ridiculous. When land is to be resumed for the construction of a dam or weir the work can be held up by raising legal points and for the period of three years nothing can be done. When approval is given by the House to some irrigation project the necessary notices are given and the job is gone on with without undue delay. We must prepare plans and specifications, assemble plant and so on, but all the work could be held up because someone disagreed with the compensation awarded him for his land. He could hold up the work indefinitely. We are trying to fix a reasonable time, and that is six months. If the period is extended the job could be held up unnecessarily. I think in practice it will be found that six months is a reasonable time.

Clause 17, as amended, agreed to.

Clauses 18 to 32, both inclusive, as read, agreed to.

Clause 33—New section 11A; Rights of non-riparian owners and occupiers of land to obtain licenses—

Mr. MULLER (Fassifern) (12.45 p.m.): This clause deals with the right of non-riparian owners. It is essential that we take a Queensland-wide view of the situation, and

while considering the right of non-riparian owners we must also ensure that the riparian owners are protected. The other day I said that in providing water for a non-riparian owner we could often cause a great deal of trouble for the riparian owner. I also pointed out that some riparian owners are alongside streams with a limited water supply. I take it from the Minister's remarks that it is not intended that the privilege contained in this clause shall be granted all over the State. At the same time, I agree that it is wrong to give a man situated alongside a huge supply of water complete ownership over the water.

The Minister said that in order to get over the difficulty one must first accept the decision of the Irrigation Commissioner. The Bill gives the right to a dissatisfied person to appeal to the Minister, but I doubt whether there would be much difference between the decision of the Commissioner and that of the Minister. It would seem reasonable to assume that before making any highly important decision, the Commissioner himself would confer with the Minister, and it is therefore reasonable to assume that the Minister will have made up his mind in such cases before the original judgment is given. That being so, this appeal from the Commissioner to the Minister does not appear to be of any great value.

The cases dealt with under this legislation will be many and varied. In a number, the decisions will be easy. In the borderline cases the Commissioner would naturally go to the Minister for his ideas and in effect there is really no appeal in such cases. The Minister told us what happened at Clare, where it was necessary to channel the water to non-riparian owners. All the trouble was brought about by the method of subdivision and the way the roads were constructed. It costs money to carry water a considerable distance. The Minister said that he made no apology for what was done at Clare but if I were in his position I should apologise and I would regret the fact that I was the Minister in charge of a department that had spent so much money to benefit so few people. An amount of £20,000 had to be carried on small areas of 100 acres. One wonders whether it is not possible to carry this matter of serving non-riparian owners a little too far. What happened at Clare could happen elsewhere. The clause lays it down that the owner of a property adjacent to a stream must permit a non-riparian owner to construct channels or lay pipes through his property. I wonder if the Minister has considered what that is going to cost in many cases. I suggest that in some cases it would cost more than the job is worth. A few days ago I criticised the method adopted at Theodore. The open channels cost a good deal to construct and much to maintain and in replying to me the Minister said that the department endeavoured to get over the trouble by concreting the channels. When you look at the cost of concreting channels and the use you make of the water you have to admit that it was plain bad business. I have to concede the point, and I think the Opposition agrees with me, that the non-riparian owner in many cases will have a sound case for a supply of water. In some cases he will not have a good claim.

I am unhappy about the method of appeal. The landholder is to have his property cut up and he is to submit to trespass by someone under conditions that might make his position untenable. The Commissioner is no doubt guided by his officers but his officers are not right in every case because they do not live in the district nor do they understand all the problems. The appeal given to a landholder looks like an appeal from Caesar to Caesar. That is hardly a fair deal for the property-owner. The appeal should be something more than an appeal from the Commissioner to the Minister.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (12.51 p.m.): The proposal would not apply in a properly laid out irrigation area because the whole settlement would be planned in such a way that there would be no such thing as a non-riparian owner not having access to water. We are really amending the Water Acts. I will cite an example. The building of the Mundubbera weir gives security to 70 or 80 citrus growers from Mundubbera down the river towards Gayndah.

We still have a surplus of approximately 4,000 acre feet of water, and naturally we want to see that it is put to some good use. Applications for access to the water have already been received but under the present legislation the people concerned cannot get access because they would have to go through other people's properties. In one instance two brothers were involved. They came to an agreement, but then the riparian owner repudiated the agreement and left his brother high and dry. Where the owners cannot come to an agreement, the Commissioner should be empowered to act as a referee, to lay down conditions that are just and fair to both parties and to decide upon compensation where it is necessary.

There may be cases, of course, in which the riparian owner will appeal to the Minister. If I were the Minister I should handle such an appeal in exactly the same way as I handle appeals on the sizes of pumps used to draw water from open streams.

Mr. Muller: You may not be the Minister for all time.

Mr. FOLEY: That is so, but I take it that whoever is the Minister will act along the same lines. I call for a report on the matter, I hear evidence from the selector concerned and I get the advice of the Commissioner. Naturally, the Minister will view the matter from both sides, but his main endeavour will be to see that nobody takes more water from the stream than he should, to the disadvantage of others. There is no need to set up a board, or a committee, or a special court, to deal with such a matter. After all, only a few cases will have to be dealt with. Most riparian owners will raise no objection to the digging of a trench through their

properties to take water to their neighbours. We want to do the right thing by both the riparian and the non-riparian owners.

Mr. EVANS (Mirani) (12.57 p.m.): I have had a good deal of experience with the Regulation of Sugar Cane Prices Act, which contains a clause virtually the same as this one that allows a cane-farmer to have access through another farmer's property to cart cane. In all my years of experience in the sugar industry these matters have almost invariably been settled amicably by the farmers concerned, and only in rare cases has it been necessary for the Central Sugar Cane Prices Board to give a decision on the matter. I hold the opinion that the giving of a right of appeal to a court under this legislation would place a farmer who is not in a very sound financial position in a rather invidious position. A riparian owner could appeal to the court, and it is possible that the non-riparian owner, through lack of finance, could be prevented from pressing for the right that this legislation gives him. After all, the Commissioner has no axe to grind. I had many dealings with Mr. Parkinson, when he was Commissioner, on sub-artesian water, and I always found that the department explores every avenue to have the matters settled amicably between the parties concerned so that it will not be necessary for the Commissioner to make a decision. I feel that if the right of appeal to a court was granted a lot of money would be wasted and many people would be deprived of their just rights.

Progress reported.

The House adjourned at 1.1 p.m.